

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC
COMPANY,
Defendant.

Case No. 14-cr-00175-TEH

ORDER GRANTING IN PART AND DENYING IN PART PARTIES' MOTIONS TO FILE UNDER SEAL

On January 11, 2016, Defendant Pacific Gas and Electric Company (“PG&E”) filed an Administrative Motion to File Under Seal its Motion *in Limine* No. 10. Docket No. 239. On January 13, 2016, the Government timely opposed this Administrative Motion. Docket No. 246.

After carefully considering the parties' written arguments, the Court finds that the material PG&E seeks to file under seal is not protected by Federal Rule of Criminal Procedure 6(e)'s limitations regarding grand jury secrecy. Neither PG&E's Motion *in Limine* No. 10 nor the Declaration of Kala Sherman-Presser in support thereof implicate "a matter occurring before the grand jury." Fed. R. Crim. P. 6(e)(2)(B). Nevertheless, out of an abundance of caution, the Court GRANTS PG&E's Administrative Motion as to footnote 20 of Motion *in Limine* No. 10 (Docket No. 237), and paragraph 5 of the Sherman-Presser Declaration in support thereof (submitted under seal), which both reference the existence of a grand jury proceeding. PG&E's Administrative Motion is otherwise DENIED.

For the same reasons, none of the material in the Government's Response to PG&E's Administrative Motion to Seal or the Declaration of Hartley M. K. West in support thereof is protected by Federal Rule of Criminal Procedure 6(e)'s limitations regarding grand jury secrecy. But again, out of an abundance of caution, the Court GRANTS the Government's Motion to Seal as to page 2 line 17 (beginning with "but for")

1 through page 2 line 19 (ending with the close quotation mark) of the Government's
2 Response (Docket No. 246), paragraph 2 of the West Declaration (Docket No. 247), and
3 Exhibit 1 to the West Declaration (Docket No. 247-1), which likewise reference the
4 existence of a grand jury proceeding. The Government's Motion to Seal is otherwise
5 DENIED.

6 Pursuant to Criminal Local Rule 56-1(d)(3), PG&E and the Government shall re-
7 file redacted versions of the aforementioned documents that comport with this Order
8 within seven days of this Order.

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10 **IT IS SO ORDERED.**

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12 Dated: 01/25/16

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14 THELTON E. HENDERSON
15 United States District Judge